

REMARKS

Claims 1-12 are pending. By this Amendment, claims 1 and 3-12 are amended, claims 2 and 3 are canceled, and claims 13-20 are added. No new matter will be incorporated into the present application by entry of this Amendment. If the Office determines that any additional fees are deemed to be necessary with the filing of this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 061910.

Objections and §112 Rejections

In the Office Action mailed March 8, 2006, the Examiner objected to claims 1-12 for informalities. The Examiner also rejected to claims 1-12 under §112, stating that the claims are narrative in form and replete with indefinite and functional or operative language. Claims 1-12 have been amended to address the Examiner's concerns. Applicant thanks the Examiner for her attention to these matters.

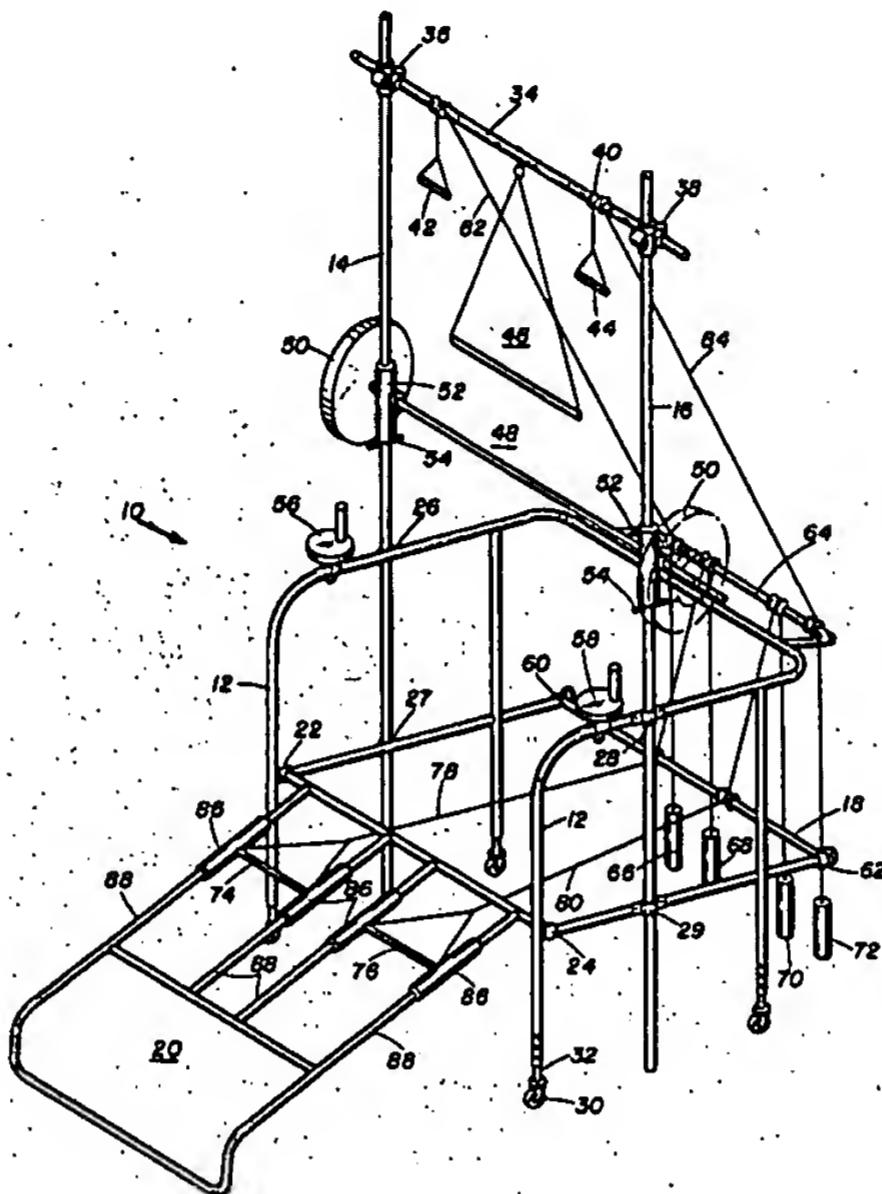
New Claims

New independent claim 13 includes the features of claims 1, 2 and 5. New independent claim 20 includes the features of claims 1, 2 and 10.

§102(b) Rejections as being Anticipated by Tauber

The Examiner rejected claims 1-12 under §102(b) as being anticipated by Tauber (U.S. Patent No. 4,153,244). Amended independent claim 1 and new independent claims 13 and 20 each call for a bow that is arranged in an angle so that the bow is inclined towards a centre of the exercising device. With reference to Tauber's Figure 1, illustrated below, Tauber fails to disclose or illustrate a bow that is inclined towards a centre of the device. Tauber discloses an assembly 48 that consists of two vertical posts or slide bars 14 and 16, a pair of slides 52 that mate with and slide on the vertical slide bars 14 and 16, a set of variable weight plates on a cross bar between the aforementioned pair of slides 52. The vertical slide bars 14 and 16 are held in position at the very top by cross bar 34, which is fastened to the vertical slide bars 14 and 16 by clamps 36 and 38. *See, e.g., Col.*

3, lines 25-39 of Tauber specification. The slide bars 14 and 16 are disposed in a strict upright manner and are not inclined at any angle.



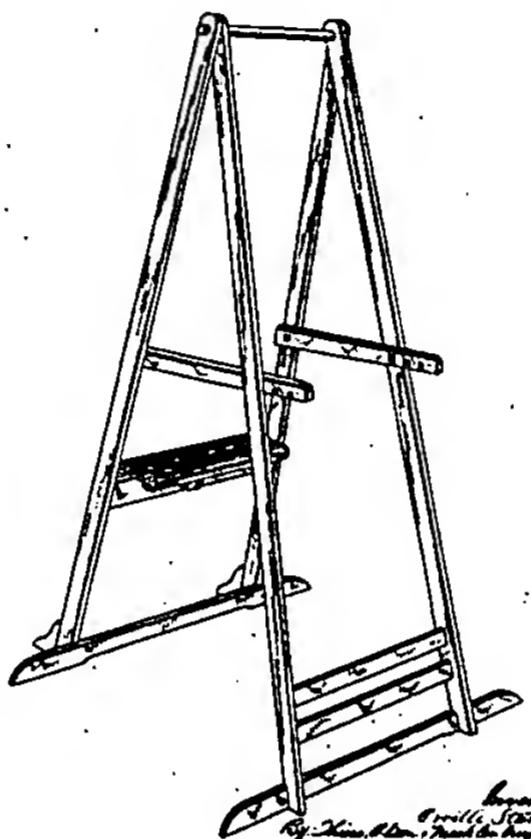
Amended claim 1 also calls for a bow that is connected to the stands and is displaceable so that a height of the bow is adjustable. Tauber also fails to disclose or illustrate a bow having an adjustable height. With continued reference to Tauber Figure 1, Tauber does not disclose that its vertical slide bars 14 and 16 can be extended or shortened. Tauber also does not disclose that the cross bar can be moved upward or downward along the slide bars or that the clamps 36 and 38 are adjustable.

New independent claim 13 calls for first and second stands being formed as a trapezium. Tauber also fails to disclose or illustrate a stand being formed as a trapezium. With continued reference to Tauber Figure 1, Tauber discloses a basic three sided frame 12 which will fit around a wheelchair. *See, e.g., Col. 2, lines 3-4 of Tauber specification.* None of the components of this frame 12 are arranged as a trapezium.

Tauber fails to disclose all of the elements of independent claims 1, 13, 20 and claims depending thereon. Applicant respectfully requests the Examiner to withdraw the §102(b) rejections.

§102(b) Rejections as being Anticipated by Stamm

The Examiner rejected claims 1-2, 4-5, 8-9 and 12 under §102(b) as being anticipated by Stamm (U.S. Patent No. D 137,646). Amended independent claim 1 calls for a bow that is connected to the stands and is displaceable so that a height of the bow is adjustable. Stamm fails to disclose or illustrate an adjustable bow. With reference to the Stamm Figure, illustrated below, the Stamm apparatus is a single piece and does not have a bow that is displaceable from a stand.



New independent claim 13 calls for first and second stands being formed as a trapezium. With continued reference to the Stamm Figure, the Stamm apparatus does not show two stands being formed as a trapezium. Rather, each side of the apparatus only includes two elongated structures connected at a mid point by a middle structure. There is no bottom structure to form a trapezium.

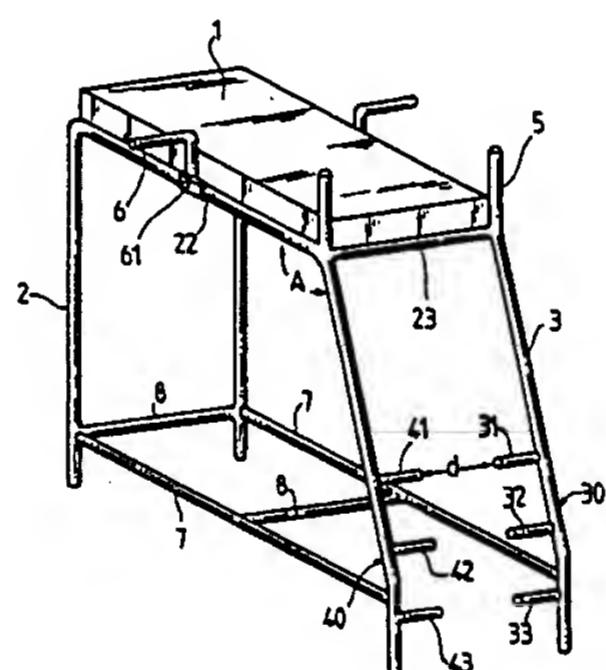
New independent claim 20 calls for a removable support arranged between the stands. With continued reference to the Stamm Figure, the Stamm apparatus does not show a removable support.

Stamm also fails to disclose all of the elements of independent claims 1, 13, 20 and claims depending thereon. Applicant respectfully requests the Examiner to withdraw the §102(b) rejections.

§102(b) Rejections as being Anticipated by Remy

The Examiner rejected claims 1 and 4-5 under §102(b) as being anticipated by Remy (U.S. Patent No. 5,282,834). Amended independent claim 1 and new independent claims 13 and 20 each call for first and second stands comprising an elongated element

that can be gripped by a user, which elongated element is arranged substantially horizontally and is connected to at least one element projecting towards a substantially plane and horizontal underlying surface. Remy does not disclose or illustrate an elongated element that can be gripped and is connected to one element projecting towards such an underlying surface. With reference to the Remy Figure, illustrated below, the Remy table comprises a rectangular horizontal board 1 placed on a footing formed of two vertical front legs 2 and two rear legs 3 which are inclined towards the rear at an angle A of about 110° , assuring good stability of the unit when the patient climbs onto the table, the legs 2 and 3 being rigidly attached to horizontal longitudinal tubes 22 and horizontal transverse tubes 23. Along the longitudinal edges 22 of the board 1 there slide two tubular elements 6 of L-shape which can be locked by a screw 61 in order to restrain the patient under his/her armpits, his/her arms hanging down on both sides of the table. *See, e.g., Col. 1, lines 54-58 and Col. 2, lines 1-2 and 10-14 of Remy specification.* The tubular elements 6 are attached to longitudinal edges 22, which do not project towards an underlying surface. Rather, the longitudinal edges 22 remain horizontal.



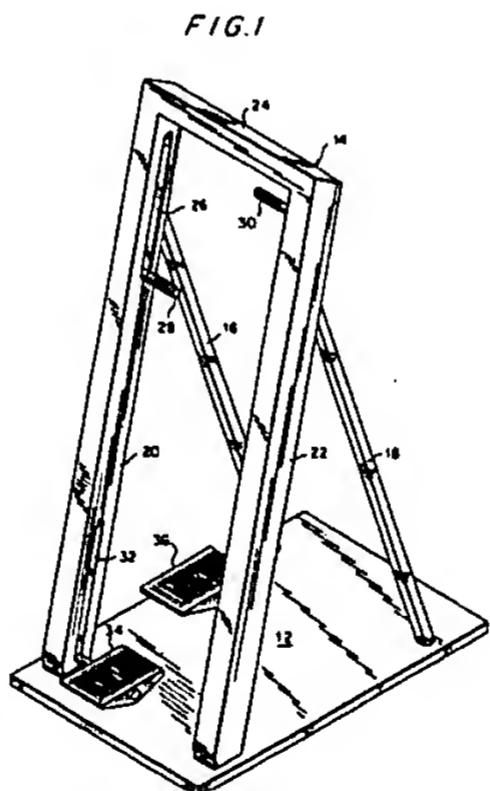
Amended independent claim 1 also calls for a bow that is connected to the stands and is displaceable so that a height of the bow is adjustable. With continued reference to the Remy Figure, Remy also does not disclose or illustrate any parts of the table as being displaceable.

New independent claim 20 also calls for a removable support arranged between the stands. With continued reference to the Remy Figure, Remy does not illustrate or disclose a removable support between the stands.

Remy also fails to disclose all of the elements of independent claims 1, 13, 20 and claims depending thereon. Applicant respectfully requests the Examiner to withdraw the §102(b) rejections.

§102(b) Rejections as being Anticipated by Allen

The Examiner rejected claims 1-2, 4-5 and 8-9 under §102(b) as being anticipated by Allen (U.S. Patent No. 5,803,880). Amended independent claim 1 calls for a bow that is connected to the stands and is displaceable so that a height of the bow is adjustable. Allen does not disclose or illustrate any parts of its device as being displaceable. With reference to Figure 1 of Allen, illustrated below, the stepper/climber machine 10 includes a base 12 to which is pivoted a frame 14. The frame 14 is positioned at a desired angle by a pair of braces 16 and 18 which are also pivoted to the base 12. The frame 14 includes a first column 20 and second column 22 joined by a hollow beam 24. Projecting through slots 26 and the hollow columns 20 and 22 are first and second handgrips 28 and 30, and projecting through slots 32 in the columns are first and second foot pedals 34 and 36. *See, e.g., Col. 2, lines 59-67 and Col. 3, lines 1-2 of Allen specification.* Allen does not disclose that any of the braces 16 and 18 and the columns 20 and 22 can be displaced or adjusted.



New independent claim 13 calls for first and second stands being formed as a trapezium. Allen does not disclose or illustrate any parts of the stepper/climber 10 as being formed as a trapezium. With continued reference to the Allen Figure 1, the machine 10 does not include two stands being formed as a trapezium. Rather, column 20 is joined

directly to brace 16 and column 22 is joined directly to brace 18 using brackets. There is no horizontal structure joining each brace and column together to form a trapezium.

New independent claim 20 also calls for a removable support arranged between the stands. With continued reference to Allen Figure 1, Allen does not illustrate or disclose a removable support between the stands.

Allen also fails to disclose all of the elements of independent claims 1, 13, 20 and claims depending thereon. Applicant respectfully requests the Examiner to withdraw the §102(b) rejections.

§102(b) Rejections as being Anticipated by Chu

The Examiner rejected claims 1-2, 4-9 and 12 under §102(b) as being anticipated by Chu (U.S. Patent No. 6,749,549). Amended independent claim 1 calls for a bow that is connected to the stands and is displaceable so that a height of the bow is adjustable. Chu does not disclose or illustrate an adjustable bow. With reference to Figure 1 of Chu, illustrated below, an apparatus includes two upright assemblies 1, two U-shaped tubular bases 2, two side supports 3, and a top bar 4. *See, e.g., Col. 2, lines 56-58 of Chu specification.* Chu discloses that the two upright assemblies 1 are formed into two modularized and collapsible frames, wherein side supports 3 of the assemblies 2 can be connected to the apparatus by inserting the heads 31 into receive sleeps formed at upper ends of upright posts 12. However, Chu does not disclose or illustrate that the side supports are adjustable.

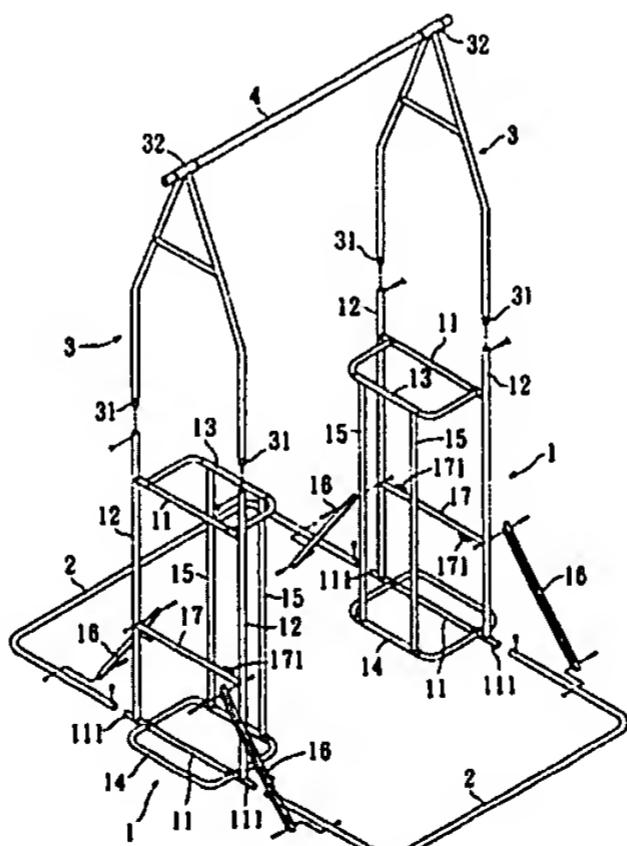


Fig. 1

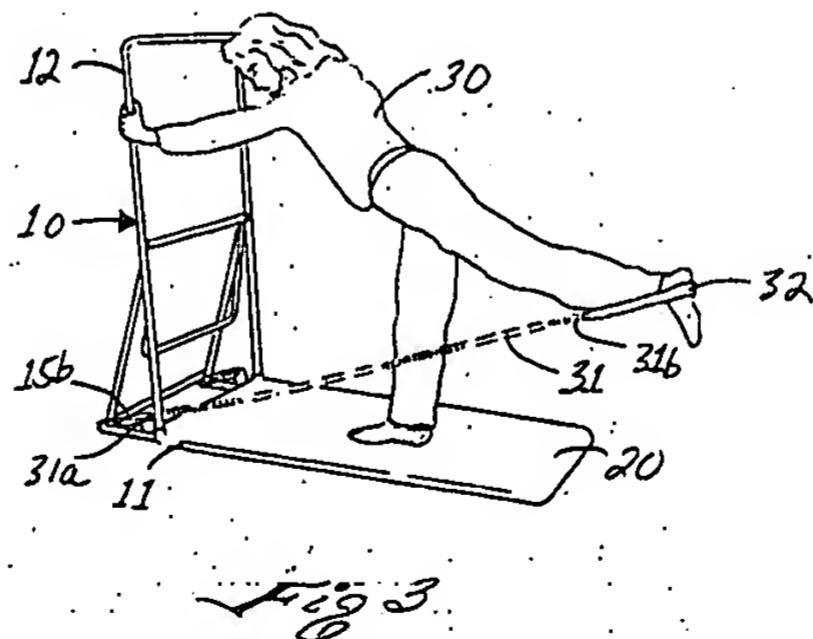
New independent claim 13 calls for first and second stands being formed as a trapezium. Chu also fails to disclose or illustrate any of its components as being formed as a trapezium. With continued reference to Chu Figure 1, upright posts 12 are joined together by crossbars 11 and brackets 17 to form a rectangle rather than a trapezium.

New independent claim 20 also calls for a removable support arranged between the stands. With continued reference to Chu Figure 1, Chu does not illustrate or disclose a removable support between the stands.

Chu also fails to disclose all of the elements of independent claims 1, 13, 20 and claims depending thereon. Applicant respectfully requests the Examiner to withdraw the §102(b) rejections.

§102(e) Rejections as being Anticipated by Croft

The Examiner rejected claims 1-2 and 4-5 under §102(e) as being anticipated by Croft (U.S. Patent Application Publication No. 2005/0059536). Amended independent claim 1 and new independent claims 13 and 20 each call for a bow that is arranged in an angle so that the bow is inclined towards a centre of the exercising device. With reference to Croft's Figure 3, illustrated below, Croft fails to disclose or illustrate a bow that is inclined towards a centre of the device. Croft discloses a device 10 having a base support frame 11 with an upright frame 12 pivotally attached thereto. *See, e.g., para [0012] of Croft specification.* When the upright frame 12 is in its upright position, as shown in Figure 3, it is inclined at an angle away from the center of the device 10.



Amended independent claim 1 also calls for a bow that is connected to the stands and is displaceable so that a height of the bow is adjustable. With continued reference to

Croft Figure 3, Croft also does not disclose or illustrate that the upright frame is displaceable nor adjustable.

New independent claim 13 also calls for first and second stands being formed as a trapezium. With continued reference to Croft Figure 3, none of the components of the device 10 form a trapezium.

New independent claim 20 also calls for a removable support arranged between the stands. With continued reference to Croft Figure 3, Croft does not illustrate or disclose a removable support between the stands.

Croft also fails to disclose all of the elements of independent claims 1, 13, 20 and claims depending thereon. Applicant respectfully requests the Examiner to withdraw the §102(e) rejections.

In view of the foregoing, it is submitted that claims of application are in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Kara K. Fairbairn
Registration No. 49,079

Customer No. 22859
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425 USA
Telephone: (612) 492-7000
Facsimile: (612) 492-7077

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

4038711_1.DOC